



Miami-Dade County Board of County Commissioners

Office of the Commission Auditor

**Legislative Analysis**

**Board of County Commissioners**

Thursday, January 20, 2005

9:30 AM

Commission Chamber

Charles Anderson, CPA  
Commission Auditor

111 NW First Street, Suite 250  
Miami, Florida 33128  
305-375-4354

## LEGISLATIVE ANALYSIS

### *ORDINANCE DELEGATING TO COUNTY MANAGER THE AUTHORITY TO ADVERTISE CONTRACTS WITHOUT PRIOR COMMISSION APPROVAL*

Commissioner Rebeca Sosa

#### I. SUMMARY

- Delegates to County Manager, for a 12 month period, the authority to advertise any contracts without prior Board of County Commissioners (BCC) approval, provided that:
  - any measures approved by the Review Committee related to the County's small and community business programs are included; and
  - a monthly report is provided to the BCC with all contracts advertised and measures included, and other steps taken to encourage inclusiveness.
- Commission Auditor shall review and evaluate the Manager's actions under this section and report results to the BCC periodically.

#### II. PRESENT SITUATION

- Currently, the Manager's delegated authority to advertise without BCC approval is limited to contracts valued at \$1 million or less (not including OTR's).
- Based on a survey conducted by the Department of Procurement Management of 15 large Florida counties, Miami-Dade is the only county with a limitation on the Manager's authority to advertise.<sup>1</sup>

#### III. POLICY IMPLICATIONS

- The Manager will be permitted to advertise all contracts without prior BCC approval; however, contracts valued at over \$1 million would still have to come to the BCC for approval to award.
- When "requests to advertise" contracts are before the BCC, it allows input as to, e.g. whether the County should even be procuring such good or service, if selection criteria are appropriate, are If this item is passed, this dialogue would not happen until after the BCC is apprised of what has been advertised in the Manager's monthly report.

#### IV. ECONOMIC IMPACT

- Eliminating the need for the Manager to get prior approval before advertisement may help ensure that replacement contracts are in place on time so that non-competitive contract extensions are less common.

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<sup>1</sup> Counties with populations over 200,000. No responses had been received from the following counties: Brevard, Duval, Manatee, Pasco, and Volusia.

**BCC ITEM 6(A)**  
**January 20, 2005**

**V. COMMENTS**

- The Small Business Enterprise program has not yet been established (it was on today's agenda, but was deferred to address some industry issues). Thus, due to the recent court rulings, there are no small business and/or community business measures in place to be included in these contracts at this time.
- If both this item and agenda item 6(N) are adopted, the Manager would have authority to both advertise contracts of any amount and expedite purchasing on contracts of \$1 million or less.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE PERTAINING TO ZONING; AMENDING SECTION 33-151.18 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; DELINEATING LOCATION OF OUTDOOR RECREATION PLAYGROUND/PLAY AREAS OR IN THE ALTERNATIVE INSTALLATION OF A SAFETY BARRIER AT CERTAIN CHILD CARE FACILITIES; REQUIRING EXISTING CHILD CARE FACILITIES TO COMPLY WITH REQUIREMENT WITHIN TWO YEARS OF ORDINANCE'S EFFECTIVE DATE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE*

Senator Javier D. Souto

**I. SUMMARY**

This ordinance would amend Section 33-151.18 of the Codes of Miami-Dade County relating to Child Care Facilities.

The amendment provides that no child care facility shall allow for an outdoor recreation area for children on the side or front of the establishment if the facility abuts a section line of half section line right-of-way on said sides.

The front and side areas abutting the right-of-ways may be used for recreational areas if the facility installs safety barriers designed by a professional engineer and approved by the Miami-Dade Public Works Department.

**II. PRESENT SITUATION**

Currently there are safety barrier requirements at child care facilities that abut bodies of water.

There are no specific "barrier" requirements for the sides of the properties which abut roads (or right-of-ways).

**III. POLICY CHANGE AND IMPLICATION**

The purpose of these changes is to require a more substantial spacing between outdoor recreation and play areas and major roadways or, if not feasible, to create a more substantial barrier from vehicular traffic.

These changes would provide a level of safety for children from hazards associated with vehicles, or debris, leaving the roadway and entering the property.

Further, these barriers would prevent children from accidentally straying into the right-of-way.

**BCC ITEM 6(B)**  
**January 20, 2005**

**IV. ECONOMIC IMPACT**

There is no direct fiscal impact to the County.

However, there may be some costs associated with the Public Works Departments requirement to approve and inspect these barriers.

Further, there may be costs associated with these current facilities and their ability to comply with the codes as amended.

**V. COMMENTS AND QUESTIONS**

Although the safety concerns addressed by the requirement of barriers are evident, there may be some concern from the child care facilities regarding the increased cost of providing these barriers.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

**ORDINANCE AMENDING SECTION 2-8.1 OF THE CODE OF MIAMI-DADE COUNTY**

Commissioner Joe A. Martinez  
Commissioner Rebeca Sosa

**I. SUMMARY**

- Amends Section 2-8.1 of the County Code to require the County Manager to get approval from the BCC before approving options to renew where the combined value of the contract and the option to renew (OTR) exceed \$1 million.

**II. PRESENT SITUATION**

- The Board has delegated to the County Manager authority to advertise, award and reject bids up to \$1 million, with certain exceptions. In general, there is currently no limit on the County Manager's authority to exercise **options to renew**, as long as the original contract amount is not more than \$1 million.

**III. POLICY CHANGE AND IMPLICATION**

- Requires the Manager to get Board approval before exercising options to renew where the combined value of the contract and OTR is greater than \$1 million. Under the Manager's current delegated authority, the Board approves contracts under \$1 million retroactively (with approval of the OTR's implicit) and the OTR's are exercised administratively by the Manager.
- For example, if this ordinance is adopted, if a three year contract is worth \$900,000 and the OTR would increase the contract to \$1.2 million, it would have to come to the Board for approval before the OTR is exercised.

**IV. ECONOMIC IMPACT**

- None.

**V. COMMENTS AND QUESTIONS**

- According to the Department of Procurement Management (DPM), this item would impact a majority (75%+) of all contracts.
- To ensure that approval to exercise OTR's where in the best interest of the County is obtained with sufficient time prior to contract end and to allow time, if needed, to procure a new contract, DPM has proposed including a new section entitled *Requests for Authority to Exercise "Options-to-Renew" (OTR's) Under Existing Contracts that would bring the Cumulative Value to More than \$1 Million* in its "Bid Award Recommendations" package for prior approval to exercise OTR's. (In anticipation of this item being adopted, contracts are already being included in that section).

**BCC ITEM 6(C)**

**January 20, 2005**

- If the item is approved, the Master Procurement Administrative Order would have to be amended via a separate resolution.

**LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT**

*ORDINANCE AMENDING SECTIONS 8CC-2, 8CC-3, 8CC-4, 8CC-5 AND 8CC-6 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; EXTENDING THE TERM OF HEARING OFFICERS TO TWO YEARS; CREATING A RIGHT TO APPEAL THE IMPOSITION OF CONTINUING PENALTIES AND SETTING THE PROCEDURE THEREFOR; PROVIDING FOR CODE ENFORCEMENT OFFICER TO RECORD THE CIVIL VIOLATION NOTICE; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE*

Team Metro

**I. SUMMARY**

This proposed resolution amends Chapter 8CC of the Codes of Miami-Dade County regarding Code Enforcement Officers, Civil Violation Notices, and Hearing Officers.

**II. PRESENT SITUATION**

Presently, a code inspector may place a lien on a property for up to 20 times the amount of the original violation if the infraction is not corrected in the time proscribed in the citation.

The violator has the right to appeal the citation and associated fine.

**There is currently no mechanism to appeal the fines for existing violations that may be imposed if the infraction is not corrected while the violator appeals the initial citation.**

On February 7, 2003, the Florida District Court of Appeals (DCA) District 2 opined (Massey v. Charlotte County) that a civil violation system similar to the one utilized by Miami-Dade County failed to provide a violator with due process by assessing fines for continued violations prior to an appeals hearing, if the violator chooses to appeal the initial citation.

Terms for Hearing Officers

Hearing officers currently serve one year terms.

**III. POLICY CHANGE AND IMPLICATION**

This ordinance would provide due process with reference to the continuing violation fines to the violator.

This amendment to the code would allow the enforcement officers to record a Civil Violation Notice.



**BCC ITEM 6(E)**  
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This process will act as a public notice of said violation. The Department hopes that this act would reduce the occurrences of new property purchasers inheriting violations received by the previous owners.

Further this ordinance would extend the terms of hearing officers from one to two year terms. The Department hopes this will help to relieve the burden posed by annual terms. Under the current process, once a hearing officer is appointed, the Department must begin the process of advertising and seeking a replacement almost immediately.

**IV. ECONOMIC IMPACT**

There is no direct fiscal impact associated with the County regarding these changes.

**V. COMMENTS AND QUESTIONS**

Although this amendment creates a separate appeals process for the continuing violation fines on top of an appeal for the cause of the initial citation, if the violator wins the appeal of violation, the continued fee violation appeal becomes unnecessary and is canceled.

LEGISLATIVE ANALYSIS

*ITEM 6(F)*

*ORDINANCE CREATING THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT*

*ITEM 10(A)(2)*

*RESOLUTION RELATING TO THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT (EFBD)*

Commissioner Katy Sorenson  
Commissioner Dennis C. Moss

**I. SUMMARY**

Item 6(F)

- Creates the Homestead Educational Facilities Benefit District (the "EFBD").
- The EFBD is authorized to finance, construct and maintain educational facilities within the EFBD boundaries (see attached Exhibit A, handwritten p. 14)
- The powers granted to the EFBD include:
  - To levy, impose, collect and enforce non-ad valorem assessments, and any other authority provided by State law.
  - To borrow money and issue bonds or other financial instruments for periods not longer than thirty (30) years.
  - To adopt resolutions and policies prescribing powers, duties and functions of the officers of the EFBD, the conduct of business of the EFBD, and the maintenance of records and documents of the EFBD.
  - To sue and be sued; to make and execute contracts and other instruments necessary or convenient to exercise its powers.
- Seven (7) Board members (compensation shall not exceed \$1,000 annually, four (4) year terms) to be designated by:
  - School Board (3 members)
  - City (1 member)
  - County (1 member)
  - Landowners (2 members)

Item 10(A)(2)

- Authorizes execution of an Interlocal Agreement ("Agreement") between the School Board, the City, the County and the EFBD. The Agreement:
  - Consents to and authorizes creation of the EFBD, as well as sets out specific requirements regarding the construction of schools and the dollar limits on the assessments that may be imposed by the EFBD.
  - The Agreement is in force until terminated with ten (10) days written notice by any party.
- Construction: Three (3) K-8 Schools shall be constructed upon donation of sites acceptable to the School Board by owners of land within EFBD boundaries. No bonds may be issued, nor any levy assessed for construction, until the site for such school is donated. The School Board will hold title to the school sites.

**BCC ITEM 6(F) and 10(A)(2)**  
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- The first K-8 School will have a design capacity of *up to* 2,100 student stations.<sup>1</sup> The School Board will be responsible for financing construction of this school. This school will be operated as a traditional public school.
  - The second and third K-8 Schools will each have a design capacity of *up to* 2,100 student stations. These schools will be financed by a combination of:
    - Special assessments levied against residential property within the EFBD.
    - Educational facilities impact fees generated by residential development within the EFBD.
    - Lease payments or other revenues received from the operator(s) of the schools, if any.
  - The School Board, EFBD, and the City will coordinate the timing for the design and construction of the second and third schools with the expansion of assessment areas (i.e. as residential development progresses within the EFBD). The method of operation of these schools is to be determined with public hearings by the EFBD and the School Board.
- Assessments: The maximum annual assessment on any single unit is \$185.00 in the first year of the Agreement. Thereafter, the assessment shall increase by no more than 2% per year.
- If the School Board is able to secure a site for construction of a high school within the EFBD, the EFBD may seek approval to increase its special assessment by no more than an additional \$50.00 per year.

## **II. PRESENT SITUATION**

- In 2002, the Florida Legislature authorized the creation of EFBD's as a mechanism for financing the long-term construction and maintenance of new schools.
- There are currently only two EFBD's in the state (both in Osceola County, since 2003).
- The School Board has indicated that, without an EFBD, it would be at least five years before any new schools can be built in Homestead.

## **III. POLICY IMPLICATIONS**

- The EFBD is similar in concept to a Community Development District (CDD)- assessments will be on new residential units within the EFBD to build new schools, and residents would be required to pay the assessment by the EFBD in addition to school board property taxes and impact fees on new homes. The EFBD will also receive educational facilities impact fees, which are only to be used for capital facilities meeting the educational needs of future residents.
  - Note: CDD's can create EFBD's as well, and can get around the requirement that a school board member and an elected municipal official sit on the governing board.<sup>2</sup>
- If approved, additional EFBD's may soon be created in other high growth areas.

<sup>1</sup> At the public hearing on this item (GOE Committee, 12/7/04), an attorney for the developer corrected page 6 of the Agreement to read "up to", not "at least" 2,100 student stations.

<sup>2</sup> "Cities Eye Special School Districts" by Letitia Stein. Orlando Sentinel. Nov. 2, 2002.

#### IV. ECONOMIC IMPACT

- There is no cost to or pledging of financial resources from the County or the City.
- The EFPB would be responsible for payment of debt service.
- In addition to financing the first school, the School Board would contribute \$200 to \$250 a year per student, and the new school's rent payments would be a minimum of \$350 a year per student. Savings to the School Board in construction costs is estimated to be about 75%.<sup>3</sup>
- Independent auditors will conduct an annual audit of the EFBD financial statements, to be submitted to the School Board, the County and the City no later than one hundred eighty (180) days following the close of the EFBD fiscal year. In addition, the EFBD shall provide to the above parties a cumulative monthly accounting of the Special Assessments levied and collected.

#### V. COMMENTS

The Agreement provides that students residing within a *reasonable distance* of the EFBD facilities may attend such facilities. Thus, even those residing outside of the EFBD will benefit from the new schools.

In the Nov. 2004 Final Report on Public Schools Overcrowding Relief by the Miami-Dade County Working Group [agenda item 10(A)(5)], EFBD's are endorsed as a funding mechanism to address overcrowding of schools and to finance new schools to meet the needs of rapidly growing areas.

##### Notice requirements

- Section 17. Disclosure. (see attached from the Interlocal Agreement)  
*"The EFBD shall use its best efforts to cause each contract for the initial sale of a parcel of real property and each contract for the initial sales of a residential unit within the EFBD to include," immediately prior to the space reserved for the signature of the purchaser, the following disclosure statement...*
  - The disclosure requirement is limited to notice at contract sale.
  - There is no notice requirement for subsequent sales.
  - There is no mandate that full disclosure be made through other avenues (advertising, promotional materials from developers, etc.)
- Community Development Districts (CDD's) provide for notice in the public records of the projected taxes and assessments to be levied by the CDD, as well as provisions for remedial options to property owners whose contract for sale did not include timely notice of the existence and extent of CDD liens and special assessments.
  - These provisions are not specified in the Interlocal Agreement.

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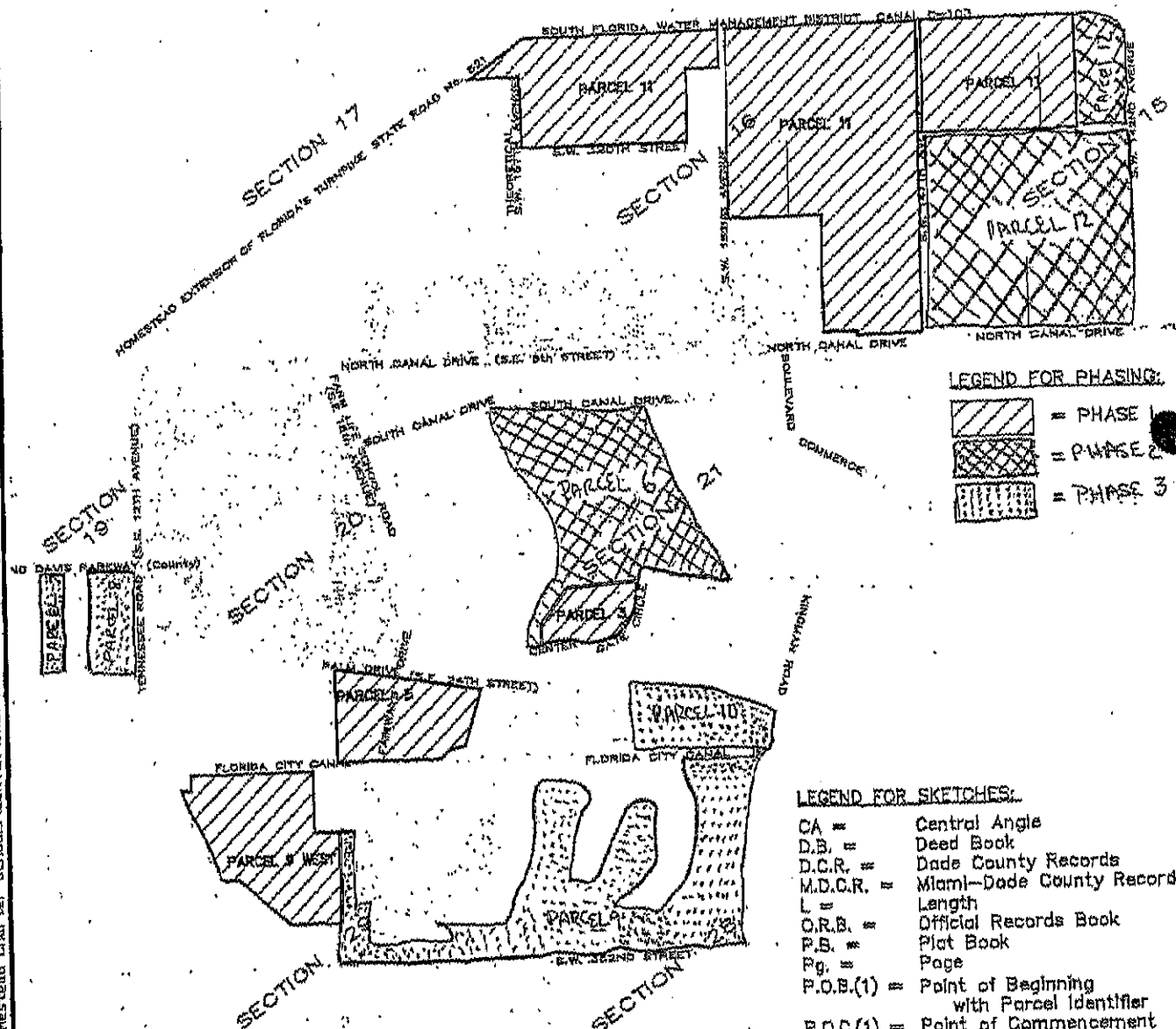
<sup>3</sup> "Proposed Zone Would Fund Schools" by Rebecca Dellagloria. Miami Herald. Jan. 29, 2005.

EXHIBIT A

EXHIBIT A  
EDUCATIONAL FACILITY BENEFIT DISTRICT  
SECTIONS 15, 16, 17, 20, 21, AND 29, TOWNSHIP 57 SOUTH, RANGE 39 EAST  
CITY OF HOMESTEAD, MIAMI-DADE COUNTY, FLORIDA



N.T.S.



NOT TO SCALE

LEGEND FOR SKETCHES:

CA =	Central Angle
D.B. =	Deed Book
D.C.R. =	Dade County Records
M.D.C.R. =	Miami-Dade County Records
L =	Length
O.R.B. =	Official Records Book
P.B. =	Plat Book
Pg. =	Page
P.O.B.(1) =	Point of Beginning with Parcel Identifier
P.O.C.(1) =	Point of Commencement with Parcel Identifier
R =	Radius
S.R. =	State Route

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 Certificate of Authorization No. LC 6701

EDUCATIONAL FACILITY  
BENEFIT DISTRICT

SCALE N.T.S.	PROJECT No 04--4366	SHEET 1 OF 18
DATE	DWG FILE	

Section 17. Disclosure. Subsequent to the establishment of the EFBD, the EFBD shall use its best efforts to cause each contract for the initial sale of a parcel of real property and each contract for the initial sale of a residential unit within the EFBD to include, immediately prior to the space reserved in the contract for the signature of the purchaser, the following disclosure statement in boldfaced and conspicuous type which is larger than the type in the remaining text of the contract.

"THE HOMESTEAD EDUCATIONAL FACILITIES BENEFIT DISTRICT WILL IMPOSE AND LEVY NON-AD VALOREM ASSESSMENTS ON THIS PROPERTY. THESE ASSESSMENTS PAY THE CONSTRUCTION AND MAINTENANCE COSTS OF EDUCATIONAL FACILITIES WITHIN THE BENEFIT DISTRICT AND ARE SET ANNUALLY BY THE GOVERNING BOARD OF THE BENEFIT DISTRICT. THESE ASSESSMENTS ARE IN ADDITION TO COUNTY, CITY AND OTHER LOCAL GOVERNMENTAL TAXES AND ASSESSMENTS AND ALL OTHER TAXES AND ASSESSMENTS PROVIDED FOR BY LAW."

In addition, the EFBD shall use its best efforts to cause the foregoing disclosure to be included in the deed or other instrument in the chain of title relating to the initial sale of a residential unit within the EFBD.

## LEGISLATIVE ANALYSIS AND ECONOMIC IMPACT STATEMENT

*RESOLUTION DIRECTING THE MANAGER TO CREATE AND IMPLEMENT A PROACTIVE EDUCATION AND ENFORCEMENT CAMPAIGN TO PREVENT THE THEFT OF SHOPPING CARTS; AND DIRECTING THE MANAGER TO ENFORCE COUNTY CODE SECTIONS 8A-76 AND 8A-76.1 REQUIRING BUSINESS ESTABLISHMENTS TO POST SIGNS WARNING SHOPPERS ABOUT THE ILLEGALITY OF REMOVING SHOPPING CARTS FROM PLACES OF BUSINESS*

Commissioner Javier D. Souto

### I. SUMMARY

This proposed ordinance would direct the County Manager to implement a proactive education and enforcement campaign to prevent the ongoing theft of shopping carts. In addition, the proposed ordinance would direct the County Manager to enforce Sec. 8A-76 and 8A-76.1 relating to required signage to reduce the theft and removal of shopping carts from business premises. Copies of Sec. 8A-76 and Sec. 8A-76.1 are appended as Attachment #1.

### II. PRESENT SITUATION

Sec. 8A-76(a) provided for businesses to put a warning notice in English and Spanish on all shopping carts unless the firm meets certain requirements and obtains an exemption from the Director of Consumer Services Department (CSD).

- Sec. 8A-76, which was established by Ordinance 96-3, included a sunset provision that may have repealed this section in January 2001. **(This Sunset Provision has been addressed)**

Sec. 8A-76.1 (which was separately enacted in Ordinance 97-213 and did not include a sunset provision) provides for:

- (1) A "*shopping cart identification sign*" with the name, address and phone number of the retail establishment and civil penalties for failure to comply;
- (2) Delegation of enforcement authority and responsibility to the Department Solid Waste Management;
- (3) Designation of all "*employees and officers of Miami-Dade County*" as agents of the County and directs that "*any identifiable shopping carts found on public property during the course of their official duties shall be reported to the Department of Solid Waste Management....[that] shall collect the shopping carts and place them in storage.*"
- (4) Notice to shopping cart owners, retrieval responsibility, penalties and fees.

### **III. POLICY CHANGE AND IMPLICATION**

This ordinance would serve as the vehicle for addressing the Sunset issues listed above with regards to this program.

Aggressive enforcement may improve the appearance of our communities and would support the efforts of the Community Image Advisory Board.

### **IV. ECONOMIC IMPACT**

Aggressive enforcement may increase costs for the Department of Solid Waste Management.

### **V. COMMENTS AND QUESTIONS**

Store owners may be eligible for a waiver of the posting requirements listed within this ordinance if they meet one or all of the following criteria listed in Sec. 8A-76 subsection (c):

- (1) Constructs barriers to prevent the removal of shopping carts; or
- (2) Attaches alarm mechanisms to shopping carts to prevent their removal; or
- (3) Implements a policy of not allowing the customer to exit the store with shopping carts, provides an employee to carry or wheel the customer's merchandise to the customers' vehicle, and agrees to implement a program to collect their own carts that are illegally removed.



## LEGISLATIVE ANALYSIS

### *ORDINANCE AMENDING SECTION 26-1, RULE 13, OF THE CODE RELATING TO CLOSING OF PARKS*

Senator Javier D. Souto

#### I. SUMMARY

This item would allow Miami-Dade County Parks with well-lit areas to remain open to the public until 11 p.m., at the discretion of the Department Director, and upon consultation with the neighboring community or the Commissioner of the affected district, and the applicable police department.

#### II. PRESENT SITUATION

Currently, County parks that are fenced or gated are closed to the public between the closing of the park at night and the opening of the park on the next day. Parks that are not fenced in or gated are closed to the public from sunset to sunrise.

#### III. POLICY CHANGE AND IMPLICATIONS

If approved this item would allow park facilities with well-lit areas to remain open to the public until 11 p.m., at the discretion of the Department Director, and upon consultation with the neighboring community or the Commissioner of the affected district, and the applicable police department.

The Parks and Recreation Department has identified 17 parks around the county that are currently equipped with adequate night-time lighting. They include: **A.D. Barnes Park**, 3401 S.W. 72 Avenue; **Blue Lakes Park**, SW 42 Terrace and 92 Avenue; **Briar Bay Park**, S.W. 128 Street and 90 Avenue; **Concord Park**, SW 32 Street and 114 Avenue; **Forest Lakes Park**, SW 99 Street and 164 Avenue; **Francisco Human Rights**, 9445 Coral Way; **Haulover Park**, 10800 Collins Avenue; **Highland Oaks Park**, 20300 N.E. 24 Avenue; **International Gardens**, SW 18 Street and SW 123 Court; **Kendale Park**, SW 93 Street and Kendale Blvd.; **Kendale Lakes Park**, 7850 S.W. 142 Avenue; **Lago Mar Park**, SW 162 Avenue and 80 Street; **Leisure Lakes Park**, 29305 Illinois Road; **Oak Grove Park**, 690 N.E. 159 Street; **Ojus Park**, 18995 W. Dixie Highway; **Southern Estates**, 12199 S.W. 34 Street; **South Dade Park**, 16350 S.W. 280 Street.

#### IV. ECONOMIC IMPACT

The economic impact of closing at 11 p.m. at 17 parks would be \$701,646 which would include the cost for:

- Two full-time park security supervisors
- Seven full-time park security officers
- Seven part-time park security officers

**V. COMMENTS AND QUESTIONS**

The following questions were answered by the Department of Parks and Recreation:

*Has a study ever been done to assess attendance at parks over night and feasibility of keeping them open 24 hours?* No.

*Are there any liability issues that we should be concerned with?* Once closure hours are posted, it gives parks security and police the authority to remove anyone from a park at unauthorized hours.

## LEGISLATIVE ANALYSIS

### *ORDINANCE CREATING PILOT PROGRAM FOR EXPEDITED PURCHASING*

Commissioner Rebeca Sosa

#### I. SUMMARY

- Creates a 12-month pilot program for expedited purchasing by the County Manager within his/her existing delegated authority to purchase goods and services estimated to cost \$1 million or less. ("Expedited Purchasing Program" or EPP)
- The expedited procurement process would be permitted primarily as follows:
  - Manager will be authorized to use the selection method and criteria which he/she deems would result in the best value to the County.
  - Manager will make the final determination of best value without further action to the Board of County Commissioners (BCC), subject to quarterly reports to the BCC.
    - Manager is not required to utilize a selection committee for purchases made under the EPP where he/she determines that additional time in convening the committee would compromise delivery of an essential county service.
    - Manager may waive any irregularity in any bid/proposal which he/she deems to be non-material.
  - Reduction of period to file a bid protest from within ten (10) days to within five (5) days of the Manager's written recommendation for award.
- Commission Auditor shall review and evaluate the Manager's actions under this section and report results to the BCC periodically and nine (9) months following its effective date.

#### II. PRESENT SITUATION

- The Board has delegated to the County Manager authority to advertise, award and reject bids up to \$1 million, with certain exceptions. Depending on the method of solicitation (e.g. invitations to bid, request for proposals or qualifications, negotiations, best and final offers, etc.), either professional procurement staff and/or a selection committee may need to convene to review and make recommendations on proposals.
- Since selection committee members are generally County employees, delays in the selection process sometimes occur because it may be difficult to identify mutually convenient meeting times for all members.

#### III. POLICY IMPLICATIONS

- This item makes no changes to the Manager's delegated authority threshold (\$1 million).

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- It does allow for a more expedited process in that the Manager has more discretion to utilize alternate selection methods and criteria to award County contracts (e.g. in consultation with his/her technical and professional staff and the County Attorney's Office, rather than based on a selection committee's recommendation).
- There is no definition in the ordinance as to what constitutes a "non-material" irregularity that the Manager may waive in his/her discretion.

**IV. ECONOMIC IMPACT**

- None.

**V. COMMENTS**

- If both this item and agenda item 6(A) are adopted, the Manager would have authority to both advertise contracts of any amount and expedite purchasing on contracts of \$1 million or less.

**LEGISLATIVE ANALYSIS**

*AMENDMENT TO LEASE AGREEMENT AT 7900 N.E. 2 AVENUE, MIAMI FOR  
DEPARTMENT OF HUMAN SERVICES CUBAN AND HAITIAN REFUGEE CRIME  
AND VICTIMIZATION PROGRAM PROPERTY # 306-01-00*

General Services Administration

**I. SUMMARY**

This item reduces the amount of office space leased at one of the locations used by the Department of Human Services (DHS) Cuban Haitian Refugee Crime and Victimization Program. The reduction is an adjustment for state-directed program changes and a state funding reduction to the program's contract with the State of Florida's Department of Children and Families (DCF). Attachment #1, an email from DCF, describes the changes. The funding reduction may be the result of perceptions of dropping refugee arrivals.

This program's contract (LK543) is primarily to serve Haitian refugees and entrants. In the state directed program changes, LK543 is adjusted to parallel a separate contract (LK444) that primarily serves Cuban refugees and entrants. Now, LK543 has the same focus that LK444 already had, focus on youth and family services instead of crime victimization.

The November 10, 2004 Economic Development & Human Services Committee expressed concern about potential consequences of program changes, including: an office closure in Hialeah that is not discussed in this Agenda Item, the state funding decrease, and the importance of informing the public of state-directed program changes.

DHS indicates that services continue to reach both Cuban and Haitian clients because the services are outreach in nature (not in-office services.) Both Cuban and Haitian refugees and entrants continue to be served using staff from other offices. See Section III of this legislative analysis for additional information from DHS in response to questions about potential implications of changes.

The December 9, 2004 Economic Development & Human Services Committee forwarded the Agenda Item to the BCC with a favorable recommendation.

**II. PRESENT SITUATION**

The program changes have been made per DCF's contract amendments.

**III. POLICY CHANGE AND IMPLICATION**

Implications of the lease amendment in this Agenda Item: None except cost savings to DHS.

Implications of the state-directed program and funding changes that necessitated the lease amendment are greater. It includes the loss of 10 positions as explained in the County Manager's memorandum recommending this Agenda Item. DHS provided the following explanations of policy changes and implications.

## BCC ITEM 7(F)(1)(A)

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- What is the impact of the eliminating the Hialeah office that previously serviced Cuban clients of LK543?

*There is no impact of eliminating the office because...the vast majority of Cuban clients are serviced under contract LK444 not LK543.*

*Contract LK444 (emphasis on Cuban refugee youth) is not affected by the closure of the Hialeah office because the contract is outreach based. In addition, services for the contract LK444 (emphasis on Cuban refugee youth) are coordinated at 5040 NW 7th Street; Suite 540. See attached list of schools for Contract LK444 (emphasis on Cuban refugee youth) [Attachment # 2] Closure of the Hialeah office resulted from funding reductions and change in program focus of LK 543 from Cuban/Haitian Crime Prevention and Victimization to Haitian refugee youth and family services*

- What was the original intent of the program?

*The original intent of the program was to provide crime and victimization services which include focus groups, community awareness and neighborhood crime watch. The focus of these services was to educate the refugee community on the protection received through the United States criminal justice system and to familiarize the refugees with the laws of the host community in order to reduce or prevent delinquent behavior.*

- What amendments have been made to the program intent and who directed the amendments?

*The amendments to the original program changed the focus from Cuban/Haitian crime and victimization program to a Haitian refugee youth and family services program. The amendment was directed by the State of Florida Department of Children and Families, Refugee Services.*

- What are the impacts of program changes?

*The tasks and deliverables under the Cuban/Haitian crime and victimization program were changed to reduce and prevent juvenile delinquency, lower school dropout rates, and to improve acculturation and preservation of the Haitian refugee family as part of an overall goal of contributing to effective resettlement in as short a time period as possible following the refugee's entry into the United States.*

## IV. ECONOMIC IMPACT

### Lease amendment in this Agenda Item:

Existing Lease (at \$15.50 per sq. ft.):	\$70,059.96 per year
Adjusted Lease Cost After Proposed Amendment:	\$53,304.50 per year
Change:	-\$16,755.46 per year (-23.9%)

**BCC ITEM 7(F)(1)(A)****January 20, 2005**State Funding for Contracts LK 043/343/443/543:

<u>Year</u>	<u>Expenditures</u>	<u>Change</u>	<u>Focus</u>
FY 2001-2002	\$1,387,533 (LK043)	n/a	Crime Victimization
FY 2002-2003	\$2,605,095 (LK343)	+87.8%	Crime Victimization
FY 2003-2004:	\$1,553,000 (LK443)	-40.4%	Crime Victimization
FY 2004-2005:	\$1,275,000* (LK543)	-17.9%	Haitian Youth & Family Services

\* Budgeted

Source: Semi-Annual Report, Contract LK343, Reporting Period April 1, 2004-September 30, 2004

**V. COMMENTS AND QUESTIONS**

Cuban/Haitian Refugee Initiative (CHRI) Clientele per DHS annual reports for contracts LK343/LK443 and target per new contract LK543. (Note: The first digit of the contract number changes to reflect the year in which it was executed.)

Year	Haitian		Cuban		Total Clients	Contract No.
	Clients	Pct	Clients	Pct		
FY2002-03	558	58.7%	392	41.3%	950	LK343*
FY2003-04	511	77.4%	149	22.6%	660	LK443*
FY 2004-05 Target					315	LK543**

\* Focus Crime Victimization

\*\* Focus changed to Haitian Youth &amp; Family Services

Decreasing Refugee Arrivals.

Two reports indicate decreasing refugee arrivals in the U.S., post-9/11, although available data to confirm a decrease is limited at this time.

In a December 16-17, 2002 meeting in Washington, D.C., during FY 2003 funding allocations discussions, an unnamed Florida representative is reported to have indicated that "The Florida Coordinator said low arrival numbers among Cuban-Haitian entrants due to security measures has affected the service delivery system in Miami, but the magnitude has yet to be seen." (Source: U.S. Department of Health & Human Services Administration for Children & Families Office of Refugee Resettlement "Mid-Term Consultation"; available: <http://www.acf.dhhs.gov/programs/orr/policy/s103-01att.htm>)

Dropping refugee arrivals were again addressed in a June 23-25, 2004 meeting in Washington, D.C. when the Director of the HHS Office of Refugee Resettlement, in the keynote address to the 2004 National Refugee Program Consultation, indicated that "the number of arriving refugees dropped off precipitously after the September 2001 terrorist attacks." (Source: <http://www.acf.dhhs.gov/programs/orr/proceedings2004.htm>)

As of the date this analysis was prepared, refugee and entrant data for Florida and Miami-Dade was available only through September 30, 2002. It is summarized in the table below. Additional details are illustrated in the graph and tables in Attachments # 3-5. If

**BCC ITEM 7(F)(1)(A)****January 20, 2005**

more recent data becomes available prior to the BCC meeting, it will be provided in a Supplemental Legislative Analysis.

Number of Refugee and Entrant Arrivals.

	Miami-Dade County			Florida		
Fiscal Year	Cuban	Haitian	Total*	Cuban	Haitian	Total*
FY 1996-97	n/a	n/a	7,039	n/a	n/a	10,216
FY 1997-98	n/a	n/a	12,021	n/a	n/a	17,316
FY 1998-99	n/a	n/a	16,438	n/a	n/a	22,524
FY 1999-00	n/a	n/a	14,847	n/a	n/a	20,448
FY 2000-01	n/a	n/a	12,932	n/a	n/a	18,087
FY 2001-02	11,954	230	12,199	14,221	541	15,184

\* Totals include all nationalities

Source: Florida Department of Children and Families, Refugee Services

Available: <http://www.dcf.state.fl.us/refugee/publications/pdf/statreport2002.pdf>

Attachments:

- # 1 George Lewis, DCF Contract Unit Supervisor, email of 12/08/04 1:51 PM (forwarded by John W. Porter 12/08/04 3:05 PM)
- # 2 DHS School List for Contract LK444 (emphasis on Cuban Youth & Family Services)
- # 3 Graph "State of Florida Refugee, Entrant and Havana Parolee Arrivals; Federal Fiscal Years 1985 – 2002"
- # 4 Table "Refugee and Entrants and Parolee's [sic] by County and Country of Origin; October 1, 2001 – September 30, 2002"
- # 5 Table "State of Florida: Dade Refugee and Entrant Arrivals by County, Age and Origin; October 1, 2001 – September 30, 2002"



**BCC ITEM 7(F)(1)(A)**  
**January 20, 2005**

**Attachment # 1**

-----Original Message-----

From: John W Porter [mailto:John\_W\_Porter@dcf.state.fl.us]  
Sent: Wednesday, December 08, 2004 3:05 PM  
To: M1121@miamidade.gov; PTS@miamidade.gov  
Cc: George Lewis  
Subject: Fw: Focus from Crime to Haitian Youth and Family Services

Maritza/Phyllis:

Please see the below from George.

I am getting a delivery failure. Please email the below message to Maritza and Phyllis asap.

Thanks

George S. Lewis, Contract Unit Supervisor  
Department of Children and Families  
Refugee Services  
1317 Winewood Blvd. Bldg. 1, Room 301  
Tallahassee, Florida 32399-0700  
telephone (850) 413-8203

----- Forwarded by George Lewis/D20/DCF on 12/08/2004 03:02 PM -----

To: m1121@miamidade.gov, "Tynes-Saunders, PTS@miamidade.gov  
12/08/2004 01:51 PM cc: John W Porter/D20/DCF@DCF  
Subject: Focus from Crime to Haitian Youth and Family Services

Per your request, below is information pertaining to the change in focus for services to Haitian refugee and entrants from crime victimization to youth and family services.

This past Spring we discussed with you a change in focus for one of our contracts. We wanted to change services provided under the Crime Victimization Services contract to mirror the services provided under our established Refugee Youth and Families Services, with a focus on the Haitian refugee/entrant population. We agreed the Haitian refugee/entrant population, particularly the youth and their families, were under-served in the existing youth program. Therefore, we wanted to enhance the Youth and Family services available.

The major goal of the Crime Victimization Services contract was to develop specialized resources to prevent crime, to foster a healthy relationship with the criminal justice system, and to serve victims in a linguistically and culturally appropriate manner.

**January 20, 2005**

**Attachment # 1**

As with the established Youth and Family Services contract, the purpose of the Haitian Youth and Family Services contract is to reduce and prevent juvenile delinquency and school drop-outs and to improve acculturation and preservation of the refugee family as part of an overall goal of contributing to effective resettlement.

The established Refugee Youth and Families contract will continue to provide the same services as last year, with the exception of the services under the Healthy Family component. Healthy Family services were funded under set-aside funding which is no longer available, therefore, there is a slight reduction in funding to your established youth contract. (The program component reduction affected all of our youth programs.)

The services to be provided under the new Haitian Refugee Youth and Families contract are funded from a discretionary grant that allow services to be provided to the eligible population (Haitian refugees, entrants, asylees, asylum applications and individuals in removal proceedings), in some cases, beyond 60 months of arrival to the US.

I hope the above information assists you in answering questions you might be asked regarding the change in focus. Should you have any questions, please don't hesitate to call.

Thanks

George S. Lewis, Contract Unit Supervisor  
Department of Children and Families  
Refugee Services  
1317 Winewood Blvd. Bldg. 1, Room 301  
Tallahassee, Florida 32399-0700  
telephone (850) 413-8203

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**Attachment # 2**

**School List**  
**Contract # Lk444\***  
**Refugee Youth and Family Services Program**  
(\*Contract emphasis on Cuban refugee youth)

**THERAPEUTIC AFTER SCHOOL CARE PROGRAM**

**ELEMENTARY:**

CITRUS GROVE -	2121 NW 5 STREET, MIAMI (305) 642-4141 CONTACT: MARIA CASERO COUNSELOR
HIALEAH -	550 EAST 8 STREET, HIALEAH (305) 888-6709 CONTACT: CAROLINA NAVEIRA PRINCIPAL
SOUTH HIALEAH -	265 EAST 5 STREET, HIALEAH (305) 885-4556 CONTACT: GISELA FERNANDEZ COMMUNITY LIASON
JAMES BRIGHT -	2530 WEST 10 AVENUE, HIALEAH (305) 885-1683 CONTACT: MARTA RIOS AFTER SCHOOL ACTIVITIES COORDINATOR

**YOUTH GROUPS**

**MIDDLE SCHOOLS:**

HIALEAH MIDDLE -	6027 EAST 7 AVENUE, HIALEAH (305) 681-3527 CONTACT: CHRISTINE ESTRADA-JIMENEZ ESOL COUNSELOR
HIALEAH MIAMI LAKES -	6425 MIAMI LAKEWAY NORTH (305) 557-3900 CONTACT: SARA NAJARA GUIDANCE COUNSELOR

**Attachment # 2**

KINLOCH PARK - 4340 NW 3 STREET  
(305) 445-5467  
CONTACT: ISRAEL SOSA  
GUIDANCE COUNSELOR

LAWTON CHILES - 8190 NW 197 STREET  
(305) 816-9101  
CONTACT: LORY SAKAY  
TRUST SPECIALIST

MIAMI LAKES MIDDLE - 6425 MIAMI LAKEWAY NORTH  
(305) 557-3900  
CONTACT: SARA NAJARA  
GUIDANCE COUNSELOR

PALM SPRINGS - 1025 WET 56 STREET  
(305) 821- 2460  
CONTACT: OLGA GONZALEZ  
GUIDANCE COUNSELOR

ROCKWAY - 9393 SW 29 TERRACE  
(305) 221-8212  
CONTACT: GLADYS BAEZA  
GUIDANCE COUNSELOR

WEST MIAMI MIDDLE - 7525 SW 24 STREET  
(305) 261-8383  
CONTACT: FRANK FERNANDEZ  
GUIDANCE COUNSELOR

**HIGH SCHOOLS:**

CORAL PARK SENIOR - 8865 SW 16 STREET, MIAMI  
(305) 226-6565  
CONTACT: MAITE LOPEZ  
ESOL COUNSELOR

HIALEAH SENIOR - 251 EAST 47 STREET, HIALEAH  
(305) 822-1500  
CONTACT: MARLENE NEGRON  
FULL SERVICE SCHOOLS COORDINATOR

**BCC ITEM 7(F)(1)(A)**  
**January 20, 2005**

**Attachment # 2**

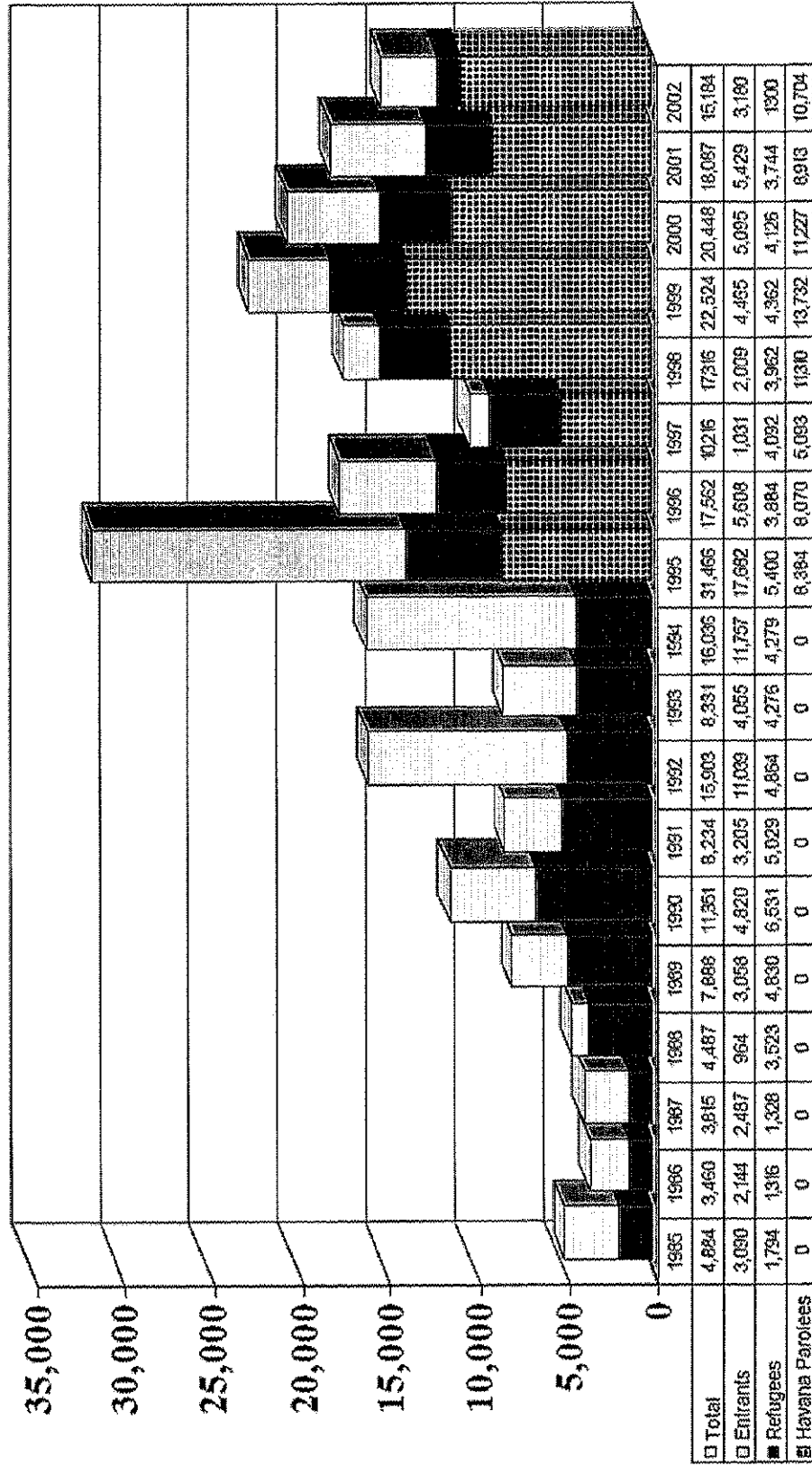
HIALEAH MIAMI LAKES  
SENIOR -

7977 WEST 12 AVENUE, HIALEAH  
(305) 823-1330  
CONTACT: ODALYS ACOSTA  
TRUST SPECIALIST

MIAMI SPRINGS SENIOR -

751 DOVE AVENUE, MIAMI SPRINGS  
(305) 885-3585  
CONTACT: KELA EDWARDS  
GUIDANCE COUNSELOR

# State of Florida Refugee, Entrant and Havana Parolee Arrivals Federal Fiscal Years 1985 - 2002



Source: Office of Refugee Resettlement, Refugee Data Center; United States Catholic Conference; Church World Service; Department of Health, Refugee Health Office; and Immigration and Naturalization Service.

Florida Department of Children and Families, Refugee Services

Available: <http://www.dcf.state.fl.us/refugee/publications/pdf/statereport2002.pdf>

Attachment # 4

**Refugee and Entrants and Parolee's  
by County and Country of Origin  
October 1, 2001 - September 30, 2002**

County	Afghanistan	Bosnia	Croatia	Cuba	Haiti	Ukraine	Vietnam	Other	Total
Brevard	0	0	0	1	0	0	0	0	1
Broward	0	0	0	397	110	4	5	5	521
Charlotte	0	0	0	9	0	0	0	0	9
Clay	0	0	0	0	1	0	0	0	1
Collier	0	0	0	276	24	0	0	0	300
Dade	0	3	0	11,954	230	5	0	7	12,199
Duval	34	78	17	11	1	13	10	11	175
Escambia	0	0	0	2	0	0	0	0	2
Flagler	0	0	0	3	0	5	0	0	7
Hendry	0	0	0	19	0	0	0	0	19
Hillsborough	4	7	13	385	9	0	5	12	635
Indian River	0	0	0	12	1	0	0	0	13
Lake	0	0	0	12	1	0	4	0	17
Lee	0	0	0	39	6	0	0	0	45
Levy	0	0	0	3	0	0	0	0	3
Manatee	0	0	0	6	4	0	0	0	10
Martin	0	0	0	6	2	0	0	0	8
Monroe	0	0	0	77	11	0	0	0	88
Okeechobee	0	0	0	1	0	0	0	0	1
Orange	0	7	6	173	27	0	1	9	223
Osceola	0	0	0	14	1	0	0	0	15
Palm Beach	0	0	0	473	94	2	0	0	569
Pasco	0	18	5	16	0	0	0	12	51
Pinellas	0	51	0	57	0	19	3	3	133
Polk	0	0	0	14	10	0	0	0	24
Sarasota	0	0	4	35	0	24	0	7	70
Seminole	0	5	0	20	2	1	0	3	31
St. Lucie	0	0	0	3	7	0	0	0	10
Volusia	0	0	0	4	0	0	0	0	4
Totals	38	169	45	14,221	541	73	28	69	15,184

Source: Refugee Data Center, United States Catholic Conference and Church World Service.

Florida Department of Children and Families, Refugee Services

Available: <http://www.dcf.state.fl.us/refugee/publications/pdf/statreport2002.pdf>

Attachment # 5

State of Florida  
Dade  
Refugee and Entrant Arrivals  
by County, Age and Origin  
October 1, 2001 - September 30, 2002

Country of Origin	Age														Total
	0-4	5-9	10-14	15-19	20-24	25-29	30-34	35-39	40-44	45-49	50-54	55-59	60-64	65+	
BELARUS	0	0	1	0	0	1	0	0	2	0	0	0	0	0	4
BOSNIA	0	1	0	0	0	2	0	0	0	0	0	0	0	0	3
CUBA	795	852	905	773	947	1 614	1 894	1 741	947	625	445	742	83	86	11 920
HAITI	3	2	7	13	41	76	38	24	14	6	3	2	0	0	238
RUSSIA	0	0	0	1	0	0	0	0	0	0	2	0	0	0	3
UKRAINE	0	0	0	0	0	0	1	1	0	0	0	1	0	2	5
Total	798	855	913	787	988	1 693	1 933	1 766	963	631	450	245	83	88	12 195

Source: Refugee Data Center, United States Catholic Conference and Church World Service.

Available: <http://www.dcf.state.fl.us/refugee/publications/pdf/statreport2002.pdf>